

REMARKS

Claims 23-48 are presently pending in the application. Claims 32, 33, 45 and 46 have been amended. No new matter has been added by the amendments. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

ELECTION/RESTRICTION

On September 22, 2004, during a telephone conversation with the Examiner, Applicant's representative, Michael Malinzak, made a provisional election without traverse to prosecute the invention of Group 2, Figures 4-5, and Claims 26, 28, 39 and 41. Applicant affirms this election but notes that at least Claims 23-25, 30-38 and 43-48 are generic to the species of the claimed invention identified by the Examiner.

DRAWINGS

Applicant is submitting herewith corrected Figures 4 and 5 including reference sign 112. No new matter has been added by the drawing amendments.

REJECTION UNDER 35 U.S.C. § 112

Claims 32-34 and 45-47 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. This rejection is respectfully traversed.

Applicant has amended Claims 32 and 45 to change the word "assembly" to "mechanism." Applicant's word choice of assembly has caused the Examiner confusion as it relates to the claimed "seat-recliner assembly." As meant in Claims 32 and 45, because the seat recliner assembly as claimed in Claims 23 and 36 could be of any type (linear, rotary, etc.), Claims 32 and 45 recite that the seat recliner assembly is a rotary-type seat-recliner assembly. Thus, Claims 32 and 45 have been amended to indicate that the transmission assembly includes a rotary seat-recliner mechanism.

Regarding Claims 34 and 47, the lack of antecedent basis error was caused by improper dependency in Claims 33 and 46, respectively. To address this mistake, the dependency of Claim 33 and 46 has been corrected, and the feature of the drive assembly including an actuator and an actuator table has been added. These amendments to Claims 33 and 46 cure the antecedent basis error of Claim 34.

ALLOWABLE SUBJECT MATTER

Applicant thanks the Examiner for noting that Claims 23-31, 35-44 and 48 are allowed, and that Claims 32-34 and 45-47 would be allowable if rewritten to overcome the rejections. As discussed above, those rejections have been cured by the amendments and remarks made herein. Therefore, Claims 23-48 should be now in condition for allowance.

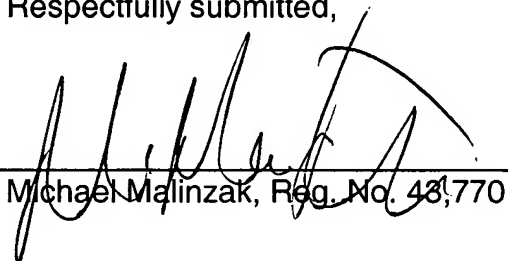
CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests

that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Dated: Nov. 16, 2004

Respectfully submitted,

By: 
Michael Malinzak, Reg. No. 43,770

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. Box 828
Bloomfield Hills, Michigan 48303
(248) 641-1600

MM:ca

AMENDMENTS TO THE DRAWINGS

The attached "Replacement Sheets" of drawings include changes to Figures 4 and 5. The attached "Replacement Sheets," which include Figures 4 and 5, replace the original sheet including Figures 4 and 5.

Attachment: Replacement Sheet(s)